THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

W.P.NO.13831 OF 2007

O R D E R (Per the Hon'ble Sri Justice T.Meena Kumari)

Heard both the counsel.

2. The writ petition is filed for a writ of certiorari calling for the records in O.A.No.5150 of 2000 dated 1.10.2004 of the A. P. Administrative Tribunal and set aside the said orders of compulsory retirement, ordered by the 3rd respondent dated 7.12.1999, as illegal, arbitrary, contrary to law and violative of Articles 14 and 21 of the Constitution of India.

3. From the writ affidavit and also from the submissions of the counsel for the petitioner it could seen that the petitioner who was initially appointed as Junior Assistant in the office of the Commandant, APSP, Kakinada on 30.10.1980, was transferred to the office of director General of Police, Hyderabad through orders of D.G.P. dated 24.9.1982 and thereafter he was promoted as Senior Assistant on 26.12.1988 and based on his request to retransfer to Kakinada and to forego his seniority, he was retransferred to Kakinada through proceedings dated 22.5.1993 and the said proceedings of D.G.P. was ratified by the Government in G.O.Rt.No.2043, Home Department dated 3.11.2000. In the year 1997 based on certain charges viz., refusal to take the charge of C3 and C4 seats in the Commandant's office and throwing these orders on the table of the M.T.O and staying away without attending to the legitimate duties entrusted to him; furnishing false addressed to the authorities, cheating the authorities with regard to joining of duty; refusal to receive copy of the letter addressed to the Superintending, Sarojini Devi Eye Hospital, wherein it was directed to appear for medical opinion regarding his vision; charge memo dated 10.9.1997 was issued to the petitioner and after conducting regular enquiry conforming to the principles of natural justice, final report dated 28.2.1998 was submitted holding that the charges leveled against the petitioner were proved and though a show cause notice was issued to the petitioner on 4.3.1998, as the petitioner did not choose to offer

any explanation, after waiting for a considerable period, orders dated 7.12.1999 were passed compulsorily retiring the petitioner from service.

4. From the material on record, it could be seen that considering the gravity of the charges and following the procedure laid down in the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 the disciplinary authority passed the final orders of compulsorily retirement from service. It is well settled that it is exclusively within the domain of the disciplinary authority to impose appropriate punishment vis-a-vis the charges leveled and the enquiry report. The same cannot be interfered with unless there are exceptional circumstances. From the material on record, as noted by the Tribunal, the conduct of the petitioner in not giving any reply to the show cause notice within the stipulated time and further his earlier conduct in applying long leave and also cheating the higher officials, cannot be appreciated. Considering the totality of the circumstances, the disciplinary authority exercising the discretion, has imposed appropriate punishment and the Tribunal has rightly dismissed the O.A. and we do not find any merit in the writ petition and the same is also dismissed, but however, in the circumstances without costs.

T.MEENA KUMARI,J

G.CHANDRAIAH,J

AVS
16.07.2007